

Senate File 434

H-1252

1 Amend Senate File 434, as passed by the Senate, as follows:

2 1. By striking everything after the enacting clause and
3 inserting:

4 <Section 1. Section 232.147, Code 2017, is amended by adding
5 the following new subsection:

6 NEW SUBSECTION. 1A. Official juvenile court records
7 in all cases except those alleging delinquency shall be
8 confidential and are not public records. Confidential records
9 may be inspected and their contents shall be disclosed to
10 the following without court order, provided that a person or
11 entity who inspects or receives a confidential record under
12 this section shall not disclose the confidential record or its
13 contents unless required by law:

14 a. The judge and professional court staff, including
15 juvenile court officers.

16 b. The child and the child's counsel.

17 c. The child's parent, guardian or custodian, court
18 appointed special advocate, and guardian ad litem, and
19 the members of the child advocacy board created in section
20 237.16 or a local citizen foster care review board created in
21 accordance with section 237.19 who are assigning or reviewing
22 the child's case.

23 d. The county attorney and the county attorney's assistants.

24 e. An agency, association, facility, or institution which
25 has custody of the child, or is legally responsible for the
26 care, treatment, or supervision of the child, including but not
27 limited to the department of human services.

28 f. A court, court professional staff, and adult probation
29 officers in connection with the preparation of a presentence
30 report concerning a person who prior thereto had been the
31 subject of a juvenile court proceeding.

32 g. The child's foster parent or an individual providing
33 preadoptive care to the child.

34 h. The state public defender.

35 Sec. 2. Section 232.147, subsections 2 and 3, Code 2017, are

1 amended to read as follows:

2 2. Official juvenile court records ~~in all cases~~ containing a
3 petition or a complaint alleging the commission of a delinquent
4 act except those alleging the commission of a delinquent act
5 that would be a forcible felony if committed by an adult shall
6 be confidential and are not public records. Unless an order
7 sealing such confidential records in a delinquency proceeding
8 has been entered pursuant to [section 232.150](#), confidential
9 records may be inspected and their contents shall be disclosed
10 to the following without court order, provided that a person
11 or entity who inspects or receives a confidential record under
12 this section shall not disclose the confidential record or its
13 contents unless required by law:

14 ~~a. The judge and professional court staff, including~~
15 ~~juvenile court officers.~~

16 ~~b. The child and the child's counsel.~~

17 ~~c. The child's parent, guardian or custodian, court~~
18 ~~appointed special advocate, and guardian ad litem, and~~
19 ~~the members of the child advocacy board created in section~~
20 ~~237.16 or a local citizen foster care review board created in~~
21 ~~accordance with [section 237.19](#) who are assigning or reviewing~~
22 ~~the child's case.~~

23 ~~d. The county attorney and the county attorney's assistants.~~

24 ~~e. An agency, association, facility or institution which~~
25 ~~has custody of the child, or is legally responsible for the~~
26 ~~care, treatment or supervision of the child, including but not~~
27 ~~limited to the department of human services.~~

28 ~~f. A court, court professional staff, and adult probation~~
29 ~~officers in connection with the preparation of a presentence~~
30 ~~report concerning a person who prior thereto had been the~~
31 ~~subject of a juvenile court delinquency proceeding.~~

32 ~~g. The child's foster parent or an individual providing~~
33 ~~preadoptive care to the child.~~

34 ~~h. The state public defender.~~

35 ~~i. The department of corrections.~~

1 ~~j. A judicial district department of correctional services.~~
2 ~~k. The board of parole.~~
3 ~~l. The superintendent or the superintendent's designee of~~
4 ~~the school district for the school attended by the child or~~
5 ~~the authorities in charge of an accredited nonpublic school~~
6 ~~attended by the child.~~
7 ~~m. A member of the armed forces of the United States who is~~
8 ~~conducting a background investigation of an individual pursuant~~
9 ~~to federal law.~~
10 ~~n. The statistical analysis center for the purposes stated~~
11 ~~in [section 216A.136](#).~~
12 ~~o. A state or local law enforcement agency.~~
13 ~~p. The alleged victim of the delinquent act.~~
14 a. The judge and professional staff, including juvenile
15 court officers.
16 b. The child and the child's counsel or guardian ad litem.
17 c. The prosecuting county attorney and the prosecuting
18 county attorney's assistants.
19 d. A court, court professional staff, and adult probation
20 officers in connection with the preparation of a presentence
21 report concerning a person who prior thereto had been the
22 subject of a juvenile court proceeding.
23 e. A state or local law enforcement agency.
24 f. The state public defender.
25 g. The statistical analysis center for the purposes stated
26 in [section 216A.136](#).
27 h. The department of human services.
28 i. The department of corrections.
29 j. A judicial district department of correctional services.
30 k. The board of parole.
31 l. The superintendent or the superintendent's designee of
32 the school district for the school attended by the child or
33 the authorities in charge of an accredited nonpublic school
34 attended by the child.
35 m. A member of the armed forces of the United States who is

1 conducting a background investigation of an individual pursuant
2 to federal law.

3 n. The alleged victim of the delinquent act.

4 o. A federal law enforcement officer.

5 3. Official juvenile court records containing a petition
6 or complaint alleging the commission of a delinquent act that
7 would be a forcible felony if committed by an adult shall be
8 public records subject to a confidentiality order under section
9 232.149A or sealing under [section 232.150](#). However, such
10 official records shall not be available to the public or any
11 governmental agency through the internet or in an electronic
12 customized data report unless the child has been adjudicated
13 delinquent in the matter. However, such official juvenile
14 court records shall be disclosed through the internet or in
15 an electronic customized data report prior to the child being
16 adjudicated delinquent to the following without court order:

17 *a.* The judge and professional court staff, including
18 juvenile court officers.

19 *b.* The child and the child's counsel or guardian ad litem.

20 *c.* The prosecuting county attorney and the prosecuting
21 county attorney's assistants.

22 *d.* A court, court professional staff, and adult probation
23 officers in connection with the preparation of a presentence
24 report concerning a person who prior thereto had been the
25 subject of a juvenile court proceeding.

26 *e.* A state or local law enforcement agency.

27 *f.* The state public defender.

28 *g.* The statistical analysis center for the purposes stated
29 in [section 216A.136](#).

30 *h.* The department of human services.

31 *i.* The department of corrections.

32 *j.* A judicial district department of correctional services.

33 *k.* The board of parole.

34 l. The superintendent or the superintendent's designee of
35 the school district for the school attended by the child or

1 the authorities in charge of an accredited nonpublic school
2 attended by the child.

3 m. A member of the armed forces of the United States who is
4 conducting a background investigation of an individual pursuant
5 to federal law.

6 n. The alleged victim of the delinquent act.

7 o. A federal law enforcement officer.

8 Sec. 3. Section 232.150, subsection 4, paragraph a, Code
9 2017, is amended to read as follows:

10 a. All agencies and persons having custody of records which
11 are named therein, shall send such records to the court issuing
12 the order. Maintenance or destruction of these records shall
13 be prescribed by the state court administrator.>

14 2. Title page, lines 1 and 2, by striking <the sealing
15 of certain criminal offenders' juvenile delinquency records>
16 and inserting <the confidentiality and disclosure of certain
17 juvenile records>

18 3. By renumbering as necessary.

COMMITTEE ON JUDICIARY
BALTIMORE of Boone, Chairperson